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SENATE BILL 441

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO MOTOR VEHICLES; DISTINGUISHING BETWEEN SALVAGE AND
NONREPAIRABLE VEHICLES FOR TITLE PURPOSES; LIMITING SALE OF
NONREPAIRABLE VEHICLES TO LICENSED WRECKERS OF VEHICLES;
AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-1-4.12 NMSA 1978 (being Laws 1990,
Chapter 120, Section 13) is amended to read:

"66-1-4.12. DEFINITIONS. -- As used in the Motor Vehicle
Code:

A. "nonrepairable vehicle" means a vehicle, other
than an abandoned vehicle, that has value only as a source of
parts or scrap material, has been designated by its owner for
dismantling as a source of parts or scrap material, has been
stripped of substantially all body panels, interior components,

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1 grill and light assemblies, doors and hatches or has been
2 damaged to the extent that it cannot be repaired for safe
3 operation on the highway;

4 [A-] B. "nonresident" means every person who is not
5 a resident of this state;

6 [B-] C. "nonresident commercial driver's license"
7 means a commercial driver's license issued by a state defined
8 within "state" to an individual who resides in another state or
9 foreign jurisdiction; and

10 [C-] D. "nonresident's operating privilege" means
11 the privilege conferred upon a nonresident by the laws of this
12 state pertaining to the operation by the nonresident of a motor
13 vehicle, or the use of a motor vehicle owned by the
14 nonresident, in this state."

15 Section 2. Section 66-1-4.16 NMSA 1978 (being Laws 1990,
16 Chapter 120, Section 17, as amended) is amended to read:

17 "66-1-4.16. DEFINITIONS. --As used in the Motor Vehicle
18 Code:

19 A. "safety glazing materials" means glazing
20 materials constructed, treated or combined with other materials
21 to reduce substantially, in comparison with ordinary sheet
22 glass or plate glass, the likelihood of injury to persons by
23 objects from exterior sources or by these safety glazing
24 materials when they are cracked and broken;

25 B. "safety zone" means the area or space that is

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1 officially set apart within a highway for the exclusive use of
2 pedestrians and that is protected or is so marked or indicated
3 by adequate signs as to be plainly visible at all times while
4 set apart as a safety zone;

5 C. "salvage vehicle" means a vehicle, other than a
6 nonrepairable vehicle, that is damaged, excluding hail damage,
7 to the extent that the cost of repairing the vehicle for safe
8 operation on the highway exceeds its fair market value or that
9 has been declared a total loss by an insurance company even
10 though the vehicle could be repaired for safe operation on the
11 highway;

12 [~~C.~~] D. "school bus" means a commercial motor
13 vehicle used to transport preprimary, primary or secondary
14 school students from home to school, from school to home or to
15 and from school-sponsored events, but not including a vehicle:

16 (1) operated by a common carrier, subject to
17 and meeting all requirements of the public regulation
18 commission but not used exclusively for the transportation of
19 [~~pupils~~] students;

20 (2) operated solely by a government-owned
21 transit authority, if the transit authority meets all safety
22 requirements of the public regulation commission but is not
23 used exclusively for the transportation of [~~pupils~~] students;
24 or

25 (3) operated as a per capita feeder as defined

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1 in Section 22-16-6 NMSA 1978;

2 ~~[D-]~~ E. "seal" means the official seal of the
3 taxation and revenue department as designated by the secretary;

4 ~~[E-]~~ F. "secretary" means the secretary of taxation
5 and revenue, and, except for the purposes of Sections 66-2-3
6 and 66-2-12 NMSA 1978, also includes the deputy secretary and
7 any division director delegated by the secretary;

8 ~~[F-]~~ G. "semitrailer" means a vehicle without
9 motive power, other than a pole trailer, designed for carrying
10 persons or property and for being drawn by a motor vehicle and
11 so constructed that some significant part of its weight and
12 that of its load rests upon or is carried by another vehicle;

13 ~~[G-]~~ H. "sidewalk" means a portion of street
14 between the curb lines, or the lateral lines of a roadway, and
15 the adjacent property lines, intended for the use of
16 pedestrians;

17 ~~[H-]~~ I. "slow-moving vehicle" means a vehicle that
18 is ordinarily moved, operated or driven at a speed less than
19 twenty-five miles per hour;

20 ~~[I-]~~ J. "solid tire" means every tire of rubber or
21 other resilient material that does not depend upon compressed
22 air for the support of the load;

23 ~~[J-]~~ K. "special mobile equipment" means a vehicle
24 not designed or used primarily for the transportation of
25 persons or property and incidentally operated or moved over the

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[bracketed material] = delete

1 highways, including but not limited to farm tractors, road
2 construction or maintenance machinery, ditch-digging apparatus,
3 well-boring apparatus and concrete mixers;

4 [K-] L. "specially constructed vehicle" means a
5 vehicle of a type required to be registered under the Motor
6 Vehicle Code not originally constructed under a distinctive
7 name, make, model or type by a generally recognized
8 manufacturer of vehicles and not materially altered from its
9 original construction;

10 [L-] M. "state" means a state, territory or
11 possession of the United States, the District of Columbia or a
12 province of the Dominion of Canada;

13 [M-] N. "state highway" means a public highway that
14 has been designated as a state highway by the legislature, the
15 state transportation commission or the secretary of
16 transportation;

17 [N-] O. "stop", when required, means complete
18 cessation from movement;

19 [O-] P. "stop, stopping or standing", when
20 prohibited, means any stopping or standing of a vehicle,
21 whether occupied or not, except when necessary to avoid
22 conflict with other traffic or in compliance with the
23 directions of a police officer or traffic-control sign or
24 signal;

25 [P-] Q. "street" or "highway" means a way or place

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1 generally open to the use of the public as a matter of right
2 for the purpose of vehicular travel, even though it may be
3 temporarily closed or restricted for the purpose of
4 construction, maintenance, repair or reconstruction;

5 [Q-] R. "subsequent offender" means a person who
6 was previously a first offender and who again, under state law,
7 federal law or a municipal ordinance or a tribal law, has been
8 adjudicated guilty of the charge of driving a motor vehicle
9 while under the influence of intoxicating liquor or any drug
10 that rendered [him] the person incapable of safely driving a
11 motor vehicle, regardless of whether the person's sentence was
12 suspended or deferred; and

13 [R-] S. "suspension" means that a person's driver's
14 license and privilege to drive a motor vehicle on the public
15 highways are temporarily withdrawn. "

16 Section 3. Section 66-3-10.1 NMSA 1978 (being Laws 1990,
17 Chapter 120, Section 24) is repealed and a new Section
18 66-3-10.1 NMSA 1978 is enacted to read:

19 "66-3-10.1. [NEW MATERIAL] SALVAGE VEHICLES--
20 NONREPAIRABLE VEHICLES--CERTIFICATE OF TITLE--TRANSFER OF
21 OWNERSHIP.--

22 A. A person shall not sell or otherwise convey
23 ownership of a salvage vehicle or nonrepairable vehicle unless
24 the certificate of title conveying ownership indicates the
25 vehicle as "salvage" or "nonrepairable", or a comparable title

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1 document has been issued by another state or jurisdiction.

2 B. This section does not apply to:

3 (1) a person who sells or otherwise conveys
4 ownership if the damage making the vehicle salvage or
5 nonrepairable did not occur when the person was the registered
6 owner and the certificate of title did not indicate "salvage"
7 or "nonrepairable" when it was transferred to that person; or

8 (2) a person conveying ownership of a vehicle
9 to an insurance company as a result of a total loss insurance
10 settlement. For the purpose of this paragraph, "total loss
11 insurance settlement" means the transfer of ownership of a
12 vehicle by a person to an insurance company as a result of a
13 settlement in which the vehicle is determined to be salvage or
14 nonrepairable.

15 C. If a nonrepairable certificate of title is
16 issued for a vehicle, the department shall not issue any
17 further certificate of title for that vehicle.

18 D. The ownership of a nonrepairable vehicle shall
19 only be sold or otherwise conveyed to a licensed wrecker of
20 vehicles for reclaimable parts or scrap material.

21 E. A nonrepairable vehicle shall not be repaired
22 for operation on the highway."